

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

AUG 4 2021

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

RAJA KANNAN,

Plaintiff-Appellant,

v.

APPLE, INC.,

Defendant-Appellee.

No. 20-17211

D.C. No. 5:17-cv-07305-EJD
Northern District of California,
San Jose

ORDER

Before: Lisa B. Fitzgerald, Appellate Commissioner.

Appellee moves to maintain under seal Volume II of the excerpts of record and portions of the opening brief on the grounds that these materials contain confidential business and financial information, including information related to non-party employees, which will cause competitive harm if publicly filed.

Appellant opposes on the grounds that only non-party employees' names and personal information should be sealed and that appellee's motion to seal does not make a specific showing of compelling reasons.

Appellee's opposed motion (Docket Entry No. 22) to maintain under seal Volume II of the excerpts of record and portions of the opening brief is granted, subject to reconsideration by the merits panel. The Clerk will file publicly the motion, the Boyer declaration, and redacted exhibits to the Boyer declaration (Docket Entry Nos. 22-1, 22-2, 22-3). The Clerk will maintain under seal the

unredacted exhibits to the Boyer declaration (Docket Entry No. 22-4), the unredacted opening brief (Docket Entry No. 19), and unredacted Volume II of the excerpts of record (Docket Entry No. 20).

Within 21 days of this order, appellant must submit for public filing redacted versions of the opening brief and Volume II of the excerpts of record that track the redactions set forth in appellee's motion to seal. The page numbering in the public brief and volume must remain the same as in the sealed brief and volume.

Appellee's opposed emergency motion (Docket Entry Nos. 28, 29) to temporarily re-seal the opening brief and Volume II of the excerpts of record is denied as unnecessary.

Appellee's unopposed motion (Docket Entry No. 31) for an extension of time to file the answering brief is granted. The answering brief is now due September 10, 2021. The optional reply brief is due within 21 days after service of the answering brief. Appellee's motion at Docket Entry No. 23 is denied as moot.